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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,179	11/25/2003	Cin Kim	04394/0200136-US0	1178
7278	7590	08/10/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,179	Applicant(s) KIM, CIN	
	Examiner Tri M. Mai	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 4, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/20/04</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Claims 4, and 12-13 are withdrawn from further consideration pursuant to 37 CFR

1.142(b) as being drawn to a nonelected invention. Applicant elected without traverse.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the multiple layers in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 1, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites the member being affixed in at least two locations. However, the disclosure only shows two locations, NOT at least two locations as claimed.

Regarding claim 6, the claim is confusing. The claim recites the member is mounted at least two spaced locations and then again recites that the member is mounted along a center line. It seems the claims recites the member is mounted in two spaced location and then further mounted along the centerline.

4. Claims 1-3, 6-8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kulka (3125215). Kulka teaches a package having a box including a top portion col. 3, ln. 38., and a member affixed to the box and configured to retain the necktie as claimed and being mounted in at least two spaced locations.

Regarding claim 6, note the attachment points in Figs. 5 is along a center line (between the two corners) as claimed.

Regarding claim 8, the box in Kulka inherently has a first color as claimed.

5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulka in view of Sanchez (5197661) or Hallam (5383595). It would have been obvious to one of ordinary skill in the art to provide to provide at least one of a fabric exterior and interior layer for a container with matching color as taught by Sanchez to provide attractiveness.

Hallam also teaches that it is known in the art provide a container with fabric covering (col. 3, ln. 15). It would have been obvious to one of ordinary skill in the art to provide to provide a fabric covering to provide added attractive ness. With respect to matching color of the fabric and the tie, it is noted that the tie is not being claimed, thus impart no structure over the container of Kulka in view of Hallam.

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6. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikemoto (5699904). Ikemoto teaches a package for tie having a member affixed to the box at least two spaced locations within the box.

7. Claims 1-3, 5-7, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Seynhaeve (5014830). Seynhaeve teaches a package with elastic members 14.

8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seynhaeve. Official Notice is taken that it is known in the art to provide a fabric exterior or lining in Seynhaeve. It would have been obvious to one of ordinary skill in the art to provide an fabric exterior or lining to provide added protection. Furthermore, It would have been obvious to one of ordinary skill in the art provide matching color with an article of cloth as set forth.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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